

### **REMARKS**

Claims 1-34 are pending in the application. By the above amendment, claims 1 and 26 have been amended and claims 33 and 34 have been canceled without prejudice. The Examiner's reconsideration of the rejections is respectfully requested based on the following remarks.

### **Election/Restrictions**

Although Applicants respectfully disagree with the basis of the restriction requirement, claims 33 and 34 have been canceled without prejudice as being withdrawn from consideration.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-2, 26-27 and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,342,413 to Masuoka, et al. Applicants respectfully submit that at the very least, claims 1 and 26 are clearly patentable over Masuoka. On a fundamental level, Masuoka is clearly distinguishable and essentially irrelevant with regard to the inventions of claims 1 and 26 as *originally* filed. Indeed, Masuoka is directed to a conventional method which includes forming device wells within a semiconductor substrate via ion implantation. More specifically, FIGs. 2A (as relied on by the Examiner) illustrates a first mask (115) being used for ion implantation B+ to form p-well (116).

In stark contrast, from reading the claimed inventions in view of Applicants' specification, it should have been readily apparent to the Examiner that the claimed inventions include methods for forming device wells without the use of ion implantation. In any event, for purposes of clarification, claims 1 and 26 have been amended to recite, e.g., *forming a plurality of first conductivity type wells over the substrate, each of the plurality of first conductivity type*

*wells being formed by filling respective openings in the first mask with first conductivity type material.* Masuoka clearly does not disclose or suggest this feature, as Masuoka discloses forming device wells using ion implantation of dopants into a substrate.

Moreover, the Examiner's reliance on the spacers (343A~343F) disclosed in FIG. 3I of Masuoka is misplaced. Indeed, these spacers (343A~343F) are formed on gate structures (335). In contrast, the inventions of claims 1 and 26 recite *forming sidewall spacers on sidewalls of each of the first conductivity type wells*. The gate structures (335) of Masuoka are clearly not "device wells", and Masuoka clearly does not disclose or remotely suggest forming sidewall spacers on sidewalls of device wells.

Accordingly, claims 1 and 26 are patentably distinct and patentable over Masuoka. Moreover, without elaboration needed, claims 2, 27 and 32 are patentably distinct and patentable over Masuoka at least for the same reasons given for their respective base claims 1 and 26. Withdrawal of the anticipation rejections is respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 103**

The following claim rejections were asserted under 35 U.S.C. § 103:

- (i) Claims 3, 6, 9, 11, 15 and 28 stand rejected as being unpatentable over Masuoka in view of U.S. Patent No. 6,482,717 to Hahn;
- (ii) Claims 4-5, 12-18, 20 and 29-30 stand rejected as being unpatentable over Masuoka in view of U.S. Patent No. 6,323,103 to Rengarajan, et al.;
- (iii) Claim 7 stands rejected as being unpatentable over Masuoka and Rengarajan in view of U.S. Patent No. 6,864,128 to Nishida, et al.;
- (iv) Claim 8 stands rejected as being unpatentable over Masuoka, Rengarajan,

Nishida, and further in view of Hahn;

(v) Claim 10 stands rejected as being unpatentable over Masuoka, Hahn and Nishida;

(vi) Claims 19 and 23-25 stand rejected as being unpatentable over Masuoka,


Rengarajan and Hahn;

(vii) Claims 21 and 22 stand rejected as being unpatentable over Masuoka, Rengarajan and Nishida; and

(viii) Claim 31 stands rejected as being unpatentable over Masuoka, Rengarajan and Hahn

Each of the above obviousness rejections is based, in part, on the contention that Masuoka discloses each element of base claims 1 and 26. However, as explained above, Masuoka fails to disclose or suggest the claim elements of claims 1 and 26 as contended in the Office Action. Moreover, at the very least, none of the cited references is believed to cure the deficiencies of Masuoka as noted above with regard to claims 1 and 26. For at least these reasons, each of the above obviousness rejections is legally deficient. Accordingly, withdrawal of the claim rejections under 35 U.S.C. § 103 is respectfully requested.

Respectfully submitted,



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